hear and dispose of appeals from the convictions of 2nd and 3rd class magistrates, and it has been found that the appellate work which this magistrate, especially that of Quilon or Kottayam, has to get through is more than what a single officer could be expected to do, and the strain on him has of late become so great that it is found impossible for him to do proper justice to that work and to the various other important duties which, as the chief controlling officer of the District, he is called upon to discharge. The increase of criminal appeals has of late been by leaps and bounds, and when the officer who has to hear and dispose of them is called away by some other urgent and important work, the appeals accumulate in large numbers and not only overtax his energies when he returns to them but cause serious inconvenience to the parties concerned. Relief therefore is very pressingly needed. Under the British Indian Criminal Procedure Code, power is left to the Government to create as many appellate magistrates subordinate to the District Magistrate as the nature and quantity of work might demand; but such a provision is absent in our Code even though it is only an adaptation of theirs, and it is necessary to put in this provision for granting the relief which I have just said as being necessary. Again, it has been found not only by District Magistrates but by all appellate criminal courts in the country that even though a person might have been convicted on his own clear confession and upon the best of evidence, if he only chooses to prefer an appeal, the appellate court is bound to send for the records of the trial and to go through them and pass a regular decision. In British India there is provision for appeals being rejected at the very initial stage itself if they are found to be groundless, and to prevent waste of public time, I would give to our criminal courts a similar power of rejection. These are the two principal reasons which have necessitated the Bill I wish to introduce, but I would avail myself of this opportunity of putting into it a few other important provisions. In British India it has been found with regard to first offenders, that the holding in suspense of sentences passed on them has a very salutary effect, and I wish to adopt those provisions into my Bill. I would also import into it those chapters of the British Criminal Procedure Code which provide for trials with the aid of assessors and juries. I am not sure that I can expect unanimity of opinion that such trials will be an unmixed boon. It might be thought that the country is not prepared for it, and that through ignorance or perversity serious miscarriages of justice might occur. Travancore has been one of the chief pioneers of Western education in Southern India, and it is now close upon a century that it has been disseminating those Western ideas and that Western civilization which have prepared other parts of British India and made them fit to have trials by jury; and it might be casting a slur on our colleges and schools if we thought that the education imparted in them during a long course of years has not helped to awaken in the minds of their alumni a proper sense of the duties and responsibilities of true citizenship which, I need hardly say, is one of the important results of high and liberal education. Having had a long experience of the country and being able to compare the present with the past, I am glad to be able to say that in point of moral and intellectual advancement, as in all other respects, the change that has come over the people is simply marvellous, and I think that we are not at all behind the proper time for the change in law that I am advocating. I therefore ask your permission to introduce the Bill.

Permission was granted accordingly.

BILL TO PREVENT LOSS TO GOVERNMENT BY THE DEFAULT OR MISCONDUCT OF PUBLIC ACCOUNTANTS.

Mr. Kesava Pillai.—I beg to move that the Public Accountants Bill the further consideration of which was deferred to this meeting be now taken up.

Seconded by Mr. Govinda Pillai.

The motion was put and agreed to.

Section 6.

Mr. Mahadeva Iyer.—I beg to propose that section 6 be omitted. This section gives to parties deeming themselves aggrieved by any order passed or proceedings taken under the Bill, the right to sue the Government in the courts. Such a provision seems to me to be superfluous in the face of section 7 of the Civil Procedure Code (Act [illegible]). Under the latter section the Courts have got

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jurisdiction to try all suits of a civil nature excepting suits the cognizance of which is barred by any enactment. The Bill before us does not take away the general right thus conferred. Again, section 6 would, I fear, operate as a needless invitation to parties to prefer suits against Government which is certainly not desirable.

Mr. Kesava Pillai.—I beg to second the amendment. I think the existence of such a provision as is contained in section 6 serves only the purpose of offering an inducement to persons to file suits against the Government. Inasmuch as the common law right of suit recognized in section 7 of the Civil Procedure Code is not interfered with, I submit that no useful purpose will be served by the retention of the provision. This Bill does not affect the public at large but only a limited portion thereof viz. defaulting Government servants. Sections 2 to 5 of the Bill contain ample provisions for safe-guarding their interests. These provisions which prescribe the procedure to be adopted as regards the recovery of Government moneys and securities from defaulting public servants seem to me to be liable to be frustrated if at every stage of the proceedings before the executive the Civil Courts can interfere with those proceedings. The wording of section 6 of the Bill is very wide. Any order passed or proceedings taken under the Bill can be made the subject of a civil action. Such a provision is therefore likely to unnecessarily hamper the action of the executive.

Mr. Govinda Pillai.—Sir, I beg to oppose the amendment. I do not think that section 6 will in any way interfere with the practical working of the Bill. I have also serious doubts as to whether in the absence of such a provision as is contained in section 6 parties aggrieved by anything done under the Regulation can sue in the Civil Courts for a relief. I wish to draw the attention of the Council to the provisions of section 3 which empowers the Division Peishcar to take proceedings to realize moneys due by public accountants in the same manner as arrears of land revenue. Thus, as regards the steps to be taken for the realization of claims of Government the provisions of the Revenue Recovery Regulation are made applicable. Section 51 of the Revenue Recovery Regulation expressly gives the right of suit against Government for orders passed or proceedings taken under that Regulation. The amendment now proposed simply amounts to this *viz.*, that while conforming to and adopting the provisions of that Regulation for one purpose, we are not to adopt its express provisions for another equally if not more important purpose. I think that the absence of an express provision such as is contained in section 6 which is similar to the one contained in section 51 of the Revenue Recovery Regulation may raise a doubt as to whether it is not intended to take away the right conferred by the latter section.

Mr. Ramier.—I entirely agree with the observations made by my learned friend Mr. Govinda Pillai. I do not think that the interests of public accountants would be sufficiently protected without section 6. It seems to me that this section contains a harmless and at the same time a very useful provision. The objection raised to it on the ground of superfluity is, I think, not sound. As pointed out by the learned speaker who preceded me, it is a matter for serious doubt whether in the absence of section 6, the aggrieved party would have the right of suit. I, therefore, think the retention of the section necessary.

After some further discussion, the amendment was put to the vote and lost.

Mr. Kesava Pillai.—No notice of any other amendments has been received. I would therefore move that the Bill as now amended be published in the Gazette and the same read again on a future day of which notice shall be given.

Seconded by Mr. Ramier.

The motion was put and agreed to.

CHARITABLE ENDOWMENTS BILL.

Mr. Nagam Aiya.—In submitting the Bill, Sir, for the consideration of the Council, I mean the *principle* of the Bill, I have only to observe that it is a necessary supplement to the Hindu Religious Endowments Regulation III of 1079 M. E. As explained in the course of the discussions on that piece of legislation, the Charitable Endowments of Travancore also represent enormous wealth, which it would be un-

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